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**Advocate South Suburban Hospital and Service Employees International Union.** Case 13–CA–42246

January 10, 2006

**DECISION AND ORDER**

BY CHAIRMAN BATTISTA AND MEMBERS LIEBMAN  
AND SCHAUMBER

On September 21, 2005, Administrative Law Judge Karl H. Buschmann issued the attached decision. The Respondent filed exceptions and a supporting brief. The General Counsel and the Charging Party filed answering briefs. The Respondent filed a reply brief.

The National Labor Relations Board has considered the decision and the record in light of the exceptions and briefs and has decided to affirm the judge's rulings, findings,<sup>1</sup> and conclusions and to adopt the recommended Order.

**ORDER**

The National Labor Relations Board adopts the recommended Order of the administrative law judge and orders that the Respondent, Advocate South Suburban Hospital, Hazel Crest, Illinois, its officers, agents, successors, and assigns, shall take the action set forth in the Order.

<sup>1</sup> The Respondent has excepted to some of the judge's credibility findings. The Board's established policy is not to overrule an administrative law judge's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Standard Dry Wall Products*, 91 NLRB 544 (1950), *enfd.* 188 F.2d 362 (3d Cir. 1951). We have carefully examined the record and find no basis for reversing the findings.

The Respondent argues that the judge improperly applied a presumption of credibility in favor of employee Susan Hall's testimony because Hall was a current employee. Although the Respondent is correct that the Board has not created a presumption in favor of the testimony of current employees, the Board has found that "the testimony of current employees which contradicts statements of their supervisors is likely to be particularly reliable because these witnesses are testifying adversely to their pecuniary interests . . . [t]hus, a witness' status as a current employee may be a significant factor, but it is one among many which a judge utilizes in resolving credibility issues." *Flexsteel Industries*, 316 NLRB 745 (1995) (citations omitted), *affd.* *mem.* *NLRB v. Flexsteel Industries*, 83 F.3d 419 (5th Cir. 1996). Here, the judge relied on a variety of factors such as the demeanor of the witnesses as well as the current employee status of Hall. Consequently, we have no reason to reverse the judge's credibility determination, even if he mistakenly described Board law as creating a presumption in favor of the testimony of a current employee.

Dated, Washington, D.C. January 10, 2006

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Robert J. Battista, Chairman

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Wilma B. Liebman, Member

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Peter C. Schaumber, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

*Dawn Blume, Esq.*, for the General Counsel.

*Keith A. Reed and Sarah N. Chomiak, Esqs. (Seyfarth Shaw LLP)*, of Chicago, Illinois, for the Respondent.

*Michael H. Slutsky, Esq. (Allison, Slutsky & Kennedy, P.C.)*, of Chicago, Illinois, for the Charging Party.

**DECISION**

**STATEMENT OF THE CASE**

KARL H. BUSCHMANN, Administrative Law Judge. This case was tried in Chicago, Illinois, on July 11 and 12, 2005. The charge was filed by Service Employees International Union (the Union)<sup>1</sup> on November 19, 2004, and amended on January 6, 2005, and again on January 28, 2005. The complaint, which was issued on March 8, 2005, alleges that the Respondent, Advocate South Suburban Hospital (the Hospital), violated Section 8(a)(1) of the National Labor Relations Act (the Act). More specifically, it is alleged that on or about August 10, 2004, the Respondent, by Beverly Mulvihill interrogated Susan Hall, an employee, about her union activities, created the impression that employees' union activities were under surveillance, and threatened Hall with unspecified reprisals because of her union activities. It is further alleged that on or about October 10, 2004, the Company by one of its security guards, unknown to the General Counsel, impliedly threatened Hall with termination because of her protected activities, and promulgated an overly broad no-solicitation rule by informing Hall that if she talked to the Union on the Respondent's property she would be arrested.

The Respondent filed an answer, admitting the jurisdictional allegations in the complaint, as well as the supervisory status of Beverly Mulvihill, but denying that it knew the identity of the security guard. The Respondent also denied that it had engaged in unfair labor practices.

On the entire record, including my observation of the demeanor of the witnesses, and after considering the briefs filed by the General Counsel and the Respondent, I make the following

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<sup>1</sup> We have amended the caption to reflect the disaffiliation of the Service Employees International Union from the AFL–CIO effective July 25, 2005.

## FINDINGS OF FACT

## I. JURISDICTION

The Respondent, an Illinois corporation, with an office and place of business in Hazel Crest, Illinois, is a health care institution which, during the last year, derived gross revenues in excess of \$250,000. With purchases of materials and goods valued in excess of \$5000 directly from points outside the State of Illinois, the Respondent is admittedly an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act. The Union is a labor organization within the meaning of Section 2(5) of the Act.

## II. ALLEGED UNFAIR LABOR PRACTICES

In connection with the Union's effort in the summer of 2004 to organize the employees at Advocate South Suburban Hospital, two union representatives came to the home of Susan Hall, a certified nursing assistant employed by the Hospital. The union representatives spoke about concerns expressed by another employee about working conditions at the Hospital and invited her to a union meeting. About a week or two later she attended the union meeting at the Tinley Park Convention Center, where employees and union organizers were introduced and where the employees were invited to speak about what they wanted to see changed at the Hospital. Hall also spoke up at the meeting, first with a question and then stating that she did not know how she could help. Another similar meeting was scheduled 1 or 2 weeks later at the same location. Employees from affiliated hospitals were also present at the second meeting. The employees were asked by the Union to provide their names, addresses, and telephone numbers. A photographer was available to take pictures of the employees. Hall had her picture taken at the second union meeting. The meetings usually ended with a prayer.

Hall also spoke in the hallway of the Hospital about the Union with coworkers on her unit. They had asked her what she thought about the Union. In late July or early August 2004, Hall had a conversation about the Union with her supervisor, Beverly Mulvihill, manager of surgical services.

According to Hall, she was working overtime from 3 to 7 p.m. on that day, when Mulvihill met her in the hall at about 3:30 or 4 p.m. Mulvihill said that she wanted to talk to her. Also present in the office was Kathy Mrozek, director of nursing. Hall recalled her visit to her supervisor's office as follows (Tr. 137-138, 154, 230, 250):

She asked me, had I heard people speaking about the Union. And I told her everybody's talking about it. I understand specifically you have been talking to employees about the Union. And I told her I really didn't want to discuss it. And she said, we make examples of those who go around talking to others about the Union, they will be a sacrificial lamb.

Hall responded, "do whatever," and walked out of the office. Apprehensive about her job and upset about the encounter with her supervisor, Hall notified the Union.

Beverly Mulvihill, manager of surgical services, who had been with the Hospital for about 20 years, contradicted Hall's testimony. Mulvihill testified that she had been Hall's supervi-

sor since 2000, and that she had met with Hall in her office from time to time about job related matters. She recalled meeting with Hall on August 12, 2004—the date closest to the time of the alleged union conversation—to discuss Hall's job performance. Mulvihill said that she had called her to the office and gave her a disciplinary warning for rude behavior towards a patient (R. Exh. 17). But Mulvihill denied discussing the Union at that meeting, or making any of the statements attributed to her by Hall. When asked whether she had ever questioned Hall about the Union or made statements, such as, "[w]e make examples of those who talk to others about the Union," or, "there will be a sacrificial lamb," Mulvihill said she did not. Mulvihill testified that she had discussed the Union at a unit meeting when Hall was present, but that she gave out only general information and told the employees that "it's got to be everybody's decision on their own and it doesn't make any difference to me what they decide" (Tr. 323).

Mary Katherine Mrozek, director of nursing and a 25-year veteran at the Hospital testified that she usually sees Mulvihill on a daily basis and, having known her since 1976, that she considered Mulvihill to be a friend. When asked whether she had an occasion to be in Mulvihill's office on or about August 9, 2004, at a time when Hall was also present, she replied: "No, I did not" (Tr. 382).

Hall testified about a second incident involving the Union. Hall was on her way to work on October 13, 2004. As she approached the Hospital, she saw two union representatives passing out union flyers. One of the union agents was C. J. Grimes. Hall stopped to talk to them and rolled down her car window, when one of the representatives placed a flyer on her car seat. At that point a security guard came up to Hall, saying, "move it or loose [sic] it" (Tr. 147). Hall then pulled into the parking lot in front of the Hospital. The security guard approached her again in a white company car and asked whether she knew those people. He also said, "If you're caught talking to them on hospital property or take anything from them, you can be arrested" (Tr. 147). Hall replied, "I don't think so." According to Hall, the security guard continued the conversation as follows (Tr. 147): "He said they're vagabonds, you don't need to be talking to them and if you are caught passing out any of this stuff that they're passing out on hospital property, you will be walked off company premises." Hall told him okay. She received several more union pamphlets from Grimes and proceeded to drive her car to the rear parking lot of the Hospital. As she gathered her belongings, including the union literature, to enter the building, the security guard approached her again saying, "You cannot pass that out on hospital time." Hall responded, "I'm not on the clock" (Tr. 148).

Hall did not know the name of the security guard. She described him as a tall African American with short hair and rim glasses. He wore a blue uniform, a badge, and a hospital ID. Even though she had seen him before, she could not ascertain his name. Shortly before the hearing in this case, Hall made another effort to identify the guard by asking Tommy Robert, a public safety officer employed by the Hospital. Although he testified that he did not recall such a conversation, Hall testified that Robert told her that the guard's first name was Roger and that Roger was no longer employed by the Respondent.

The testimony of Aletha Ross, vice president of human resources, confirmed that a security officer by the name of Roger Spraggs had been employed by the Hospital at the time of the incident, and that he had left his job in December 2004. He left without a forwarding address (R. Exh. 18).

The record also contains the testimony of James Cureton, manager of public safety, who testified in great detail about the function of security guards and the extent of their authority on hospital premises. His testimony corroborated Hall's testimony that security guards wore blue uniforms, showing a badge and an ID, and that they drove company vehicles of the type described by Hall. He also explained their role in enforcing company policies, such as the Hospital's solicitation and distribution policy, and rules regarding security and safety (GC Exh. 3). Their official job title is public safety officer. Their job description shows the extensive range of their duties and responsibilities under the broad stated purpose, "To provide protection and safety to all patients, visitors, staff, employees, equipment, and the facility of the hospital and satellite clinics" and "To enforce hospital policy and protection" (GC Exh. 2). The job description also provides the officers with wide discretion and personal initiatives to accomplish their wide range of responsibilities.

#### ANALYSIS

The record presents two factual scenarios setting the stage for the alleged violations of Section 8(a)(1) of the Act. Each scenario depends upon the credibility of the testimony of Susan Hall, a longtime employee at the Hospital. The first incident, the conversation with her supervisor, Beverly Mulvihill, is strongly contested by the Respondent, requiring a credibility resolution as to whether such a conversation actually occurred. Under withering cross-examination and with accusations of making inconsistent prior statements, Hall adamantly maintained that during a union campaign at the Hospital in late July or early August, Mulvihill called her into the office and first asked her about the Union, that Mulvihill then said that she heard that Hall was talking to people about the Union, and finally stated that they make examples of those who go around talking to others about the Union, they will be a sacrificial lamb. Mulvihill denied that she had made the statements and Mrozek who, according to Hall witnessed the conversation, also denied hearing those comments.

The record contains numerous union pamphlets and a videotape which deal with the same conversation. The Respondent, pointing to inconsistencies between the testimony and the union material, attempted to discredit Hall's testimony.

I have considered the demeanor and behavior of the witnesses on the witness stand, the witnesses' manner of testifying, whether the witnesses impressed me as truthful, whether the witnesses impressed me as having an accurate memory and recollection, whether they had a motive for not telling the truth and whether the witnesses had any interest in the outcome of the case, or friendship or hostility toward other people concerned with the case. I have also taken into consideration whether the testimony was reasonable or plausible and whether the testimony was contradicted or supported by other credible

evidence. And I have considered whether the witnesses were biased or prejudiced which may have colored their testimony.

Generally, I found Hall to be a credible witness. She impressed me as being sure of her recollection of the salient facts and gave spontaneous answers without any attempt to be evasive. Her demeanor was forthright and appeared honest. Mindful from the outset that I would have to make a credibility determination, I probed the reliability of her answers myself. I was impressed by the certainty and conviction in her responses to my inquiry. Under vigorous cross-examination, she was steadfast and consistently and repeatedly recalled Mulvihill's statements to her, first the interrogation about the Union, then the remark that management was aware of Hall's union talk with other employees, and then the threat of making examples of those who talk to others about the Union, the sacrificial lamb (Tr. 137-138, 254, 195, 230, 250). By confronting her employer, and defying her supervisor, Hall had nothing to gain by her testimony. To the contrary, as a current employee, she risked the ire of management. There is also no evidence that Hall was hostile to management or was biased as a result of having been disciplined. Under these circumstances, I agree with the General Counsel that Hall's testimony is presumed to be credible. *Flexsteel Industries*, 316 NLRB 745 (1995).

Nevertheless, I believe that Hall had the tendency to exaggerate or embellish her statements in minor respects, which appeared to affect the accuracy of her testimony. For example, Hall testified that she never read the union brochures nor looked at her picture in them, because she has a hard time looking at herself. She may have avoided looking at all of the pamphlets, but I find it difficult to accept that she was totally unfamiliar with the contents in the union literature, particularly when these brochures purported to reflect her conversation with Mulvihill. Likewise her testimony that she "cried the whole 16 hours," following the episode, because she felt that her job was threatened. I interpret her remarks as a figure of speech that she was upset and distraught for that duration and unsure to whom to turn for help.

The Respondent seized on these instances and argues at length that Hall's entire testimony is unreliable, particularly in the light of Mulvihill's testimony, denying not only that such a meeting occurred, but also that such comments about the Union were ever made. Mulvihill as a witness made a self-assured and professional impression. She testified that she attended company sponsored training sessions covering employees' rights, and that supervisors were provided with a document, alerting them about union tactics, and warning them that associates (employees) would likely deceive management or lie about their union involvement (GC Exh. 8). She revealed that members in her family had belonged to a union, and that the reference to the term "sacrificial lamb" was incongruous with her religious beliefs. Her testimony concerning the relevant issues appeared to me mechanical, as if she had rehearsed the answers. On occasion she appeared hesitant or reluctant to respond to counsels' questions. She was evasive as to whether she had attended training sessions dealing with union issues. In several respects I found her testimony difficult to accept, when, for example, she stated that she was neutral as to the employees' union sentiments or that it's their choice, and that it didn't

make any difference to her what they decide. Management took issue with the Union's tactics in a memorandum sent to the employees (GC Exh. 7). And Mulvihill's testimony critically described the tactics of union representatives who "came to their [employees'] door, banged on their door, wouldn't go away [and] stuck their foot in their door" (Tr. 332). She appeared clearly biased in favor of management and defensive of her own role in the alleged scenario.

The testimony of Kathy Mrozek for the purpose of corroborating Mulvihill was of limited value, because the focus of her inquiry was limited to the events of August 9, 2004, and the question whether she had witnessed an employee discipline in August. Hall did not recall the exact date of the meeting, when she testified that the day of the conversation occurred sometime in late July or early August at a time when she was assigned to a double shift. That day in question could have occurred during the last few days in July or the first several days in August. Moreover, Hall did not testify that the conversation about the Union occurred in connection with a disciplinary action. Mrozek did testify that she did not overhear anyone refer to a sacrificial lamb in connection with their union activities, but she was never asked whether she ever witnessed a conversation between Hall and Mulvihill about the Union. I find the testimony of this witness, a friend of Mulvihill and a member of management, significant as to matters not asked of her and conclude that it was biased in favor of management.

The Respondent also challenged Hall's testimony with prior inconsistent statements made in union brochures and videotapes. These documents, prepared by the Union, contain statements by employees, including Hall, about working conditions at the Hospital (R. Exhs. 6-12). Hall is quoted describing the incident in Mulvihill's office. As pointed out by the Respondent, the purported statements made in the same conversation contain some variations. For example, according to one brochure, Mulvihill began the conversation by saying, "I've been hearing rumors that there's talk about a union," in others she supposedly said, "have you heard anything about the union—well, what have you heard" (R. Exhs. 6, 9, 10). In the video, depicting Hall in front of an audience and reading from a text, she uses similar language (R. Exh. 12). Hall's testimony gave three slightly different versions that Mulvihill initiated the conversation with: "I've been hearing people talk about the Union," and "had she heard people speaking about Union," and "have you been hearing about the Union" (Tr. 137-138, 154, 230, 250). The Respondent questioned the witness with other examples of similar discrepancies between the various documents. But Hall distanced herself from the contents of the material. During her testimony, she agreed with some of the statements attributed to her, but disagreed with others and testified without contradiction that the Union composed the brochures, as well as the videos, and that the Union had scripted the information contained therein. She also testified that she was uncomfortable using any of it, because "it made Advocate look like they were monsters," but that she wanted to show the intimidation and coercion by management. The union material which seemed to have been composed with some literary license obviously incorporated some of the information provided by the witness. I find that it generally supported her testimony

and appeared consistent with her sworn account of the conversation. In any case, I credit Hall's sworn testimony as more reliable than the printed material.

As alleged in the complaint and in agreement with the General Counsel and the Union, I find that the Respondent violated Section 8(a)(1) in three respects for unlawfully interfering with, restraining, or coercing employees in the exercise of their rights guaranteed in Section 7 of the Act. Mulvihill's questioning of Hall about the Union after calling her into the office, was coercive under the circumstances. Central to the conversation was the Union without any other work-related business, and by intimating that management was aware of Hall's union activity and by insinuating adverse consequences as a result, clearly created a highly coercive atmosphere. Hall described Mulvihill's attitude as stern and recalled being distraught and upset after leaving the office, which is an indication that the conversation was anything but casual or cheerful. The Board does not consider any interrogation as unlawful, but looks at all the surrounding circumstances to determine whether it tended to be coercive. *Emery Worldwide*, 309 NLRB 185, 186 (1992); *Rossmore House*, 269 NLRB 1176 (1984). For example, where the supervisor's questioning of an employee was accompanied by a veiled threat, the Board found a violation of Section 8(a)(1). *Hoffman Fuel Co.*, 309 NLRB 327, 329 (1992). And where the questioning occurred in supervisor's office, directed solely at the employee's union activities and involved no other work-related business, the employer violated the Act.

The General Counsel properly cites *Home Depot, U.S.A.*, 317 NLRB 732 (1995), as closely analogous to the present scenario, because there, as here, a statement creating the impression of surveillance, coupled with a statement soliciting a response was found to be unlawful interrogation and creating the impression of unlawful surveillance. The Union similarly argues, citing *Ready-Mix, Inc.*, 337 NLRB 1189 (2002), that a statement by management soliciting a reply from an employee, such as, I heard you were passing out union cards, is considered unlawful interrogation. In any case, I have credited Hall's testimony that Mulvihill clearly asked her whether she had heard people speak about the Union, and then saying that she understood specifically Hall talking about the Union. Hall had spoken to other employees about the Union and had attended some meetings, but she was not an open union activist, much less a known union organizer. These statements not only amounted to unlawful interrogation, but also to creating the impression of surveillance in violation of Section 8(a)(1). A supervisor's statement, "I hear you are involved with the Union," without accompanying threats, was held unlawful, because it implied surveillance. *Overnite Transportation Co.*, 254 NLRB 132, 133 (1981). Informing employees which ones were the union activists when their activities were not openly known, gives the impression of unlawful surveillance. *Peter Vitalie Co.*, 310 NLRB 865, 874 (1993).

The coercive nature of Mulvihill's statements become even more apparent in the context of her final comment, that management would make examples of those who go around talking to others about the Union, they will be a sacrificial lamb. I find the Respondent's argument that these statements were not directed at Hall, nor indicative as threats of reprisal, puzzling. By

anyone's perception, these statements were threats of unspecified reprisals. A supervisor's statement that engaging in union activities would have serious consequences constitutes an unlawful threat. *J. P. Stevens & Co.*, 245 NLRB 198 (1979). I agree with the General Counsel and the Charging Party that the Respondent violated the Act.

However, I find it difficult to find a violation involving the conduct of the security guard on October 13, 2004, for a number of reasons. The identity of the safety officer is unknown. The most reliable information revealed by Hall shortly before the trial in this case was that his first name was Roger. He was also described as a tall African American with glasses and short hair, wearing a blue uniform. According to the Respondent, the description might fit Roger Spraggs, who was employed as a security guard at that time, and who is no longer employed and left without a forwarding address. The record shows that the security personnel employed by the Hospital have a wide range of responsibilities, that they are responsible for enforcing the rules regarding the safety of the patients and employees. They have wide discretion to act and have the authority to request people to leave the hospital property and call the police. Clearly, they are agents of the Respondent within the purview of Section 2(13) of the Act. In any case, the particular officer who could have given his version of the incident was unavailable. There is no evidence that the Respondent intentionally failed to produce the witness. The record contains a written note, dated November 24, 2004, written by Spraggs to the effect that there was no contact or confrontation with a union supporter on October 13, 2004 (R. Exh. 18). Even though the witness was unavailable, I find this hearsay document to be of little significance, because it was not verified, and presumably prepared in anticipation of litigation.

I believe that the general scenario as described by Hall may have occurred. But, as pointed out by the Respondent, Hall could have reported the incident to management or ascertained the officer's identity at the time of its occurrence. Moreover, because of Hall's tendency to exaggerate or embellish a particular incident, the record lacks the precision of the actual statements at issue. An employee's right to distribute union literature on the employee's own time and in nonwork areas of the Hospital should be clear and unambiguous. A slight variation in the statements made by a security guard attempting to prohibit solicitation in patient care areas or ban union activity in the Hospital during the employee's working time is critical. And whether or not the guard promulgated an unlawful no-solicitation rule or uttered a threat as alleged depends on these nuances. Under these circumstances, I don't have the confidence in the accuracy of the witness's recollection to find a violation. Added to that is the inherent unfairness to the Respondent whose most important witness on this issue was unavailable during the trial. I accordingly find that these allegations should be dismissed.

#### CONCLUSIONS OF LAW

1. The Respondent Advocate South Suburban Hospital is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The Union, Service Employees International Union, is a labor organization within the meaning of Section 2(5) of the Act.

3. By coercively interrogating employee Susan Hall about her union sympathies, the Respondent violated Section 8(a)(1) of the Act.

4. By creating the impression that the employees' union activities were under surveillance, the Respondent violated Section 8(a)(1) of the Act.

5. By threatening employee Susan Hall with unspecified reprisals because of her union activities, the Respondent violated Section 8(a)(1) of the Act.

6. The foregoing unfair labor practices affect commerce within the meaning of Section 2(6) and (7) of the Act.

#### REMEDY

Having found that the Respondent has engaged in certain unfair labor practices, I find that it must be ordered to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act.

On these findings of fact and conclusions of law and on the entire record, I issue the following recommended<sup>2</sup>

#### ORDER

The Respondent, Advocate South Suburban Hospital, Hazel Crest, Illinois, its officers, successors, agents, and assigns, shall

1. Cease and desist from

(a) Coercively interrogating employees about their union sympathies.

(b) Creating the impression that the employees' union activities were under surveillance.

(c) Threatening employees with unspecified reprisals because of their union activities.

(d) In any like or related manner interfering with, restraining, or coercing employees in the exercise of their rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Within 14 days after service by the Region, post at its facility in Hazel Crest, Illinois, copies of the attached notice marked "Appendix."<sup>3</sup> Copies of the notice, on forms provided by the Regional Director for Region 13 after being signed by the Respondent's authorized representative, shall be posted by the Respondent immediately upon receipt and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

<sup>2</sup> If no exceptions are filed as provided by Sec. 102.46 of the Board's Rules and Regulations, the findings, conclusions, and recommended Order shall, as provided in Sec. 102.48 of the Rules, be adopted by the Board and all objections to them shall be deemed waived for all purposes.

<sup>3</sup> If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

rial. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since July 1, 2004.

(b) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C. September 21, 2005

#### APPENDIX

##### NOTICE TO EMPLOYEES

##### POSTED BY ORDER OF THE

##### NATIONAL LABOR RELATIONS BOARD

##### An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

#### FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT coercively interrogate employees about their union sympathies.

WE WILL NOT create the impression that the employees' union activities were under surveillance.

WE WILL NOT threaten employees with unspecified reprisals because of their union activities.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in the exercise of their rights guaranteed them by Section 7 of the Act.

ADVOCATE SOUTH SUBURBAN HOSPITAL